

104TH CONGRESS
2D SESSION

S. 1617

To amend title 31, United States Code, to prohibit the use of appropriated funds by Federal agencies for lobbying activities.

IN THE SENATE OF THE UNITED STATES

MARCH 14 (legislative day, MARCH 13), 1996

Mr. STEVENS (for himself and Mr. THOMAS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend title 31, United States Code, to prohibit the use of appropriated funds by Federal agencies for lobbying activities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Agency Anti-
5 Lobbying Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) Federal agency employees have used appro-
9 priated funds to foster public support and opposition
10 to legislation pending before the Congress;

1 (2) there are conflicting interpretations of the
2 existing anti-lobbying restrictions; and

3 (3) the use of appropriated funds derived from
4 tax revenues paid to the Treasury by all Americans
5 to preferentially support or oppose pending legisla-
6 tion is inappropriate and improper.

7 (b) PURPOSE.—The purpose of this Act is to estab-
8 lish a civil prohibition on the expenditure of appropriated
9 funds by Federal agencies for lobbying purposes and to
10 make clear that such funds may not be used in any man-
11 ner or in any amount, however small, to organize efforts
12 to affect the outcome of congressional action by appealing
13 directly or indirectly for public support.

14 **SEC. 3. PROHIBITION ON USE OF APPROPRIATED FUNDS**
15 **FOR LOBBYING BY FEDERAL AGENCIES.**

16 (a) IN GENERAL.—Subchapter III of chapter 13 of
17 title 31, United States Code, is amended by adding at the
18 end the following new section:

19 **“§ 1354. Prohibition on lobbying by Federal agencies**

20 “(a) PROHIBITION.—Except as provided in sub-
21 section (b), until or unless such activity has been specifi-
22 cally authorized by an Act of Congress and notwithstand-
23 ing any other provision of law, no funds made available
24 to any Federal agency by appropriation shall be used by
25 such agency for any activity (including the preparation,

1 publication, distribution, or use of any kit, pamphlet,
 2 booklet, public presentation, news release, radio, tele-
 3 vision, or film presentation, video, or other written or oral
 4 statement) that is intended to promote public support or
 5 opposition to any legislative proposal (including the con-
 6 firmation of the nomination of a public official or the rati-
 7 fication of a treaty) on which congressional action is not
 8 complete.

9 “(b) EXCEPTIONS.—

10 “(1) PRESIDENT AND VICE PRESIDENT.—Sub-
 11 section (a) shall not apply to the President or Vice
 12 President.

13 “(2) CONGRESSIONAL COMMUNICATIONS.—Sub-
 14 section (a) shall not be construed to prevent any of-
 15 ficer or employee of a Federal agency from—

16 “(A) communicating directly to a Member
 17 of Congress (or to any staff of a Member or
 18 committee of Congress) a request for legislation
 19 or appropriations that such officer or employee
 20 deems necessary for the efficient conduct of the
 21 public business; or

22 “(B) responding to a request for informa-
 23 tion or technical assistance made by a Member
 24 of Congress (or by any staff of a Member or
 25 committee of Congress).

1 “(3) PUBLIC COMMUNICATIONS ON VIEWS OF
2 PRESIDENT.—Subsection (a) shall not be construed
3 to prevent any Federal agency official whose ap-
4 pointment is confirmed by the Senate, any official in
5 the Executive Office of the President directly ap-
6 pointed by the President or Vice President, or the
7 head of any Federal agency described in subsection
8 (d)(2), from communicating with the American pub-
9 lic, through radio, television, or other public commu-
10 nication media, on the views of the President for or
11 against any pending legislative proposal. The preced-
12 ing sentence shall not permit any such official to del-
13 egate to another person the authority to make com-
14 munications subject to the exemption provided by
15 such sentence.

16 “(c) COMPTROLLER GENERAL.—

17 “(1) ASSISTANCE OF INSPECTOR GENERAL.—In
18 exercising the authority provided in section 712, as
19 applied to this section, the Comptroller General may
20 obtain, without reimbursement from the Comptroller
21 General, the assistance of the Inspector General
22 within whose Federal agency activity prohibited by
23 subsection (a) of this section is under review.

24 “(2) EVALUATION.—One year after the date of
25 the enactment of this section, the Comptroller Gen-

1 eral shall report to the Committee on Government
 2 Reform and Oversight of the House of Representa-
 3 tives and the Committee on Governmental Affairs of
 4 the Senate on the implementation of this section.

5 “(3) ANNUAL REPORT.—The Comptroller Gen-
 6 eral shall, in the annual report under section 719(a),
 7 include summaries of investigations undertaken by
 8 the Comptroller General with respect to subsection
 9 (a).

10 “(d) DEFINITION.—For purposes of this section, the
 11 term ‘Federal agency’ means—

12 “(1) any executive agency, within the meaning
 13 of section 105 of title 5; and

14 “(2) any private corporation created by a law of
 15 the United States for which the Congress appro-
 16 priates funds.”.

17 (b) CONFORMING AMENDMENT.—The table of sec-
 18 tions for chapter 13 of title 31, United States Code, is
 19 amended by inserting after the item relating to section
 20 1353 the following new item:

“1354. Prohibition on lobbying by Federal agencies.”.

21 (c) APPLICABILITY.—The amendments made by this
 22 section shall apply to the use of funds after the date of
 23 the enactment of this Act, including funds appropriated
 24 or received on or before such date.